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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,499

05/30/2006

Eugenio Ferreira Da Silva Neto

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EXAMINER

COSIMANO, EDWARD R

ART UNIT

PAPER NUMBER

2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/562,499

Applicant(s)DA SILVA NETO, EUGENIO
FERREIRA**Examiner**

Edward R. Cosimano

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/27/2005 & 5/30/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051227</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2863

1. The Oath/Declaration and amended Abstract as filed on 30 May 2006 are acceptable to the examiner.
2. Applicant's claim for the benefit of an earlier filing date pursuant to 35 U.S.C. 120 is acknowledged.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
4. The examiner has considered the prior art cited in the base applications.
5. The set of drawings containing figure 1 as presented in the set of drawings filed on 30 May 2006 is acceptable to the examiner.
6. The drawings filed on 30 May 2006 are objected to because:

A) the drawings fail to comply with 37 CFR 1.84(p)(5) because they:

(1) include the following reference legend not mentioned in the description, note reference legend "∞C" which has not been mentioned in the written description of figure 2; and

(2) do not include the following reference legend mentioned in the description, note reference legend "μC" which has been mentioned in the written description of figure 2;

located in the paragraph at page 4, lines 14-25, "Fig. 2 shows the field bus distribution unit in more detail. The field bus distribution unit VE includes a conventional field bus distribution unit, which, beyond that, additionally includes a microcontroller μC, a memory S, a GPS-module GPS and a reader module LM. The microcontroller μC is connected with the field bus FB via a field bus interface FS. Additionally, the field bus distribution unit VE has four connectors AI, A2, A3, A4, which are connectable to the various field devices. Illustrated by way of example, is the connection to the field device F1 using a cable KI. Cable K1 has plugs, respectively S1, S1', at both ends. Plug S1 serves for connection with the connector AI. Plug S1' serves for connection with the field device.", and note also the paragraph at page 5, lines 9-17, "In a further ... needing GPS module.". In view of the disclosure, it is noted that in figure 2 the reference legend "∞C" should be --μC--.

Art Unit: 2863

B) the drawings fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference legend mentioned in the description, note reference legend "CE" which has been mentioned in the written description of figure 2 located between page 4, line 26, and page 6, line 2, "The function of the invention ... is a chip-tag CE ... by the field device."

C) The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the:

(1) the "chip-tag" of claims 10, 11, 12 7 16, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

6.1 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The disclosure is objected to because of the following informalities:

A) the disclosure lacks a statement of -I claim:--, as required by Office policy as set forth in MPEP 608.01(m).

7.1 Appropriate correction is required.

8. Claims 9-15 are objected to because of the following informalities.

8.1 In regard to claim 9, it is noted that this claim positively recites that the "microcontroller" that is connected to the field bus transmits device specific data/information. It is further noted

Art Unit: 2863

that one of ordinary skill at the time the invention was made would be confused by this claim because as one of ordinary skill at the time the invention was made would recognize this claim clearly fails to positive recite either:

A) to where the device specific data/information is transmitted; and

B) whether the field bus is used to transmit the device specific information or is some other type of communications link to be used when performing this function.

And therefore one of ordinary skill at the time the invention was made would be unable to determine applicant's contribution to the prior art and the scope of this claim.

8.1.1 In regard to the above, note that one of ordinary skill would not be able to ascertain either: (1) what applicant intends as being included as part of the claimed invention; or (2) what the inventor's contribution to the prior art is and hence the scope of the claim, In re Larsen, No. 01-1092 (Fed. Cir. May 9, 2001) (unpublished) "The court observed that the totality of all the limitations of the claim and their interaction with each other must be considered to ascertain the inventor's contribution to the art. Upon review of the claim in its entirety, the court concluded that the claim at issue apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112 paragraph 2.".

8.2 Appropriate correction is required.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.1 Claims 9 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by either Pickett (4,949,299) or Beaverstock et al (5,134,574) or Warrior et al (5,485,400 or 5,825,664) or Sugihara et al (6,035,247).

9.1.1 In regard to claims 9 & 15, either Pickett ('299) or Beaverstock et al ('574) or Warrior et al ('400 or '664) or Sugihara et al ('247) disclose a machine/process in which one or more uniquely identified computer implemented field distribution units are connected to a central unit via a common communications bus with a common communications protocol where the field

Art Unit: 2863

distribution unit will under the control of a command received over the common buss from the central controller unit will perform a commanded function that may include the transmitting of data/information to or from one or more the transducers that are connected to the field distribution unit or send data/information from the connected transducers to the central unit where the transmitted data/information includes an unique identifier for the transducer.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10.1 Claims 10-13 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Pickett (4,949,299) or Beaverstock et al (5,134,574) or Warrior et al (5,485,400 or 5,825,664) or Sugihara et al (6,035,247) as applied above to claims 9 & 15 and further in view of either Palmer et al (5,530,702) or Oba et al (2004/0248617).

10.1.1 In regard to claims 10-13, neither Pickett ('299) nor Beaverstock et al ('574) nor Warrior et al ('400 nor '664) nor Sugihara et al ('247) disclose the use of a RF ID tag to store data/information about an associated item, however, either Palmer et al ('702) or Oba et al ('617) discloses a machine/process in which a RF identification tag that is attached to an item is used to transmit stored identification data/information about the item to a reader when required. Since the machines/processes of either Pickett ('299) or Beaverstock et al ('574) or Warrior et al ('400 or '664) or Sugihara et al ('247) require the use of some type of memory to store identification data/information about an item and either Palmer et al ('702) or Oba et al ('617) discloses that it is known to use a RF identification tag that is attached to an item is used to transmit stored identification data/information about the item to a reader when required, it would have been obvious to one of ordinary skill at the time the invention was made that the machines/processes of either Pickett ('299) or Beaverstock et al ('574) or Warrior et al ('400 or '664) or Sugihara et al ('247) could be modified to use RF ID tags to store identification data/information about an

Art Unit: 2863

item and then transmit the stored data/information upon request as taught by either Palmer et al ('702) or Oba et al ('617).

10.1.2 In regard to claim 16, it is noted that since either Palmer et al ('702) or Oba et al ('617) provide a teaching/suggestion that the item that is associated with the RFID tag could be any item with the RF tag suitably placed on the item, it would have been further obvious to one of ordinary skill at the time the invention was made that the machines/processes of either Pickett ('299) or Beaverstock et al ('574) or Warrior et al ('400 or '664) or Sugihara et al ('247) as modified to use RF ID tags could be applied to any suitable part of the item, for example a communication adapter/interface port, etc.

11. The examiner has cited prior art of interest, for example:

A) Shoup et al (4,831,558) discloses a machine/process in which one or more uniquely identified transducer devices are connected to a central unit via a common communications bus with a common communications protocol where a transducer will under the control of a command received over the common buss from the central controller unit will perform a commanded function that may include the transmitting of data/information from the transducer to the central unit where the transmitted data/information includes an unique identifier for the transducer.

B) either Yamazaki (2005/0027828) or Ashwood Smith (6,968,994) disclose a machine/process in which a RF identification tag that is attached to an item is used to transmit stored identification data/information about the item to a reader.

C) either Puzon (EP 0 994 350 A1) or Brown et al (6,192,281) or Dove et al (GB 2358487) or Wimmer (EP 1265118) or Lake et al (6,496,892) or Patz et al (EP 1404062) have been cited on the PCT 210 for the parent application.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward R. Cosimano whose telephone number is 571-272-0571. The examiner can normally be reached on 571-272-0571 from 7:30am to 4:00pm (Eastern time).

12.1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

12.2 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERC

03/17/2007



Edward Cosimano
Primary Examiner